

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3435(b)

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**

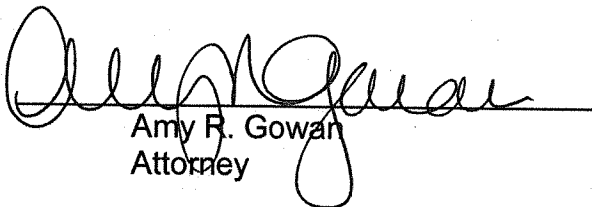
OAL Matter Number: 2017-1130-03

**OAL Matter Type: Certificate of Compliance
(C)**

This timely certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL Matter No. 2017-0711-02) that expanded the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* by approximately 13 square miles in the Spreckles area of Monterey County in response to the identification of one adult ACP on June 15, 2017. This emergency action provides permanent authority for the state to perform quarantine activities against ACP within these areas.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: January 3, 2018


Amy R. Gowan
Attorney

**For: Debra M. Cornez
Director**

**Original: Karen Ross, Secretary
Copy: Rachel Avila**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

CERT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017-0906-04	REGULATORY ACTION NUMBER 2017-1130-03C	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (if any)

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JAN 03 2018

1:40 pm

2017 NOV 30 A 11:38
OFFICE OF
ADMINISTRATIVE LAW

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2017 40-2	PUBLICATION DATE 10/6/2017

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-0711-02	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
3		3435(b)	
TITLE(S)		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Rachel Avila		TELEPHONE NUMBER 916-403-6813	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Rachel.Avila@cdfa.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPE NAME AND TITLE OF SIGNATORY

Nick Condos, Director, Plant Health and Pest Prevention Services

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 03 2018

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(10) In Monterey County, in the Salinas and Spreckels area: Beginning at the intersection of McFadden Road and Castroville Road; then, northwesterly along Castroville Road to its intersection with an Unnamed Creek at 36.740087 latitude and -121.738649 longitude; then, southeasterly along said creek to its intersection with Main Canal; then, southeasterly along said canal to its intersection with an Unnamed Creek at 36.736632 latitude and -121.733786 longitude; then, easterly along said creek to its intersection with Unnamed Creek at 36.736926 latitude and -121.726319 longitude; then, northeasterly along said creek to its intersection with Espinosa Road; then, northwesterly along said road to its intersection with Unnamed Road at 36.748049 latitude and -121.707598 longitude; then northerly along said road to Unnamed Road at 36.753859 latitude and -121.707383 longitude; then northwesterly along said road to its intersection with Tembladero Slough; then, northeasterly along said slough to its intersection with El Camino Real N; then, northerly along said road to its intersection with Pesante Road; then, easterly along said road to its intersection with Unnamed Road at 36.779778 latitude and -121.641560 longitude; then, easterly along said road to its intersection with Unnamed Road at 36.778143 latitude and -121.630442 longitude; then, easterly along said road to its intersection with Unnamed Road at 36.780989 latitude and -121.610841 longitude; then, easterly along said road to its intersection with an Imaginary Line; then, easterly along said line to its intersection with Gabilan Creek at 36.781308 latitude and -121.592818 longitude; then, easterly along said creek to its intersection with Unnamed Creek at 36.782700 latitude and -121.585918 longitude; then, southeasterly along said creek to its intersection with an Unnamed Creek at 36.771370 latitude and -121.547947 longitude; then, southeasterly along said creek to its intersection with an Imaginary Line; then, southeasterly along said line to its intersection with Gabilan Creek at 36.741676 latitude and -121.505230 longitude; then southwesterly along said creek to its intersection with an Imaginary Line; then, southwesterly along said line to its intersection with an

Unnamed Creek at 36.715215 latitude and -121.508990 longitude; then, southwesterly along said creek to its intersection with an Imaginary Line; then, southwesterly along said line to its intersection with an Unnamed Road at 36.669885 latitude and -121.521657 longitude; then, southwesterly along said road to its intersection with an Unnamed Road at 36.636201 latitude and -121.519036 longitude; then, southwesterly along said road to its intersection with Spence Road; then, westerly along said road to its intersection with Old Stage Road; then, southeasterly along said road to its intersection with Potter Road; then, southwesterly along said road to its intersection with El Camino Real S; then, southeasterly along El Camino Real S to its intersection with an Imaginary Line at 36.593462 latitude and -121.543555 longitude; then, westerly along said line to its intersection with an Unnamed Creek at 36.593318 latitude and -121.543737 longitude; then, southwesterly along said creek to its intersection with the Salinas River at 36.584298 latitude and -121.551282 longitude; then, southwesterly along said river to its intersection with an Imaginary Line at 36.574360 latitude and -121.574473 longitude; then, southerly along said line to its intersection with an Unnamed Creek at 36.572276 latitude and -121.575275 longitude; then, southerly along said creek to its intersection with an Unnamed Creek at 36.541548 latitude and -121.595983 longitude; then, southerly along said creek to its intersection with Corral del Cielo Road; then, northwesterly along said road to its intersection with an Imaginary Line; then, southwesterly along said line to its intersection with the Salinas River at 36.606689 latitude and -121.576059 longitude; then, northwesterly along the Salinas River to its intersection with an Imaginary Line at 36.610459 latitude and -121.596003 longitude; then, southwesterly along said line to its intersection with Buena Vista Road at the beginning of said road; then, southeasterly along said road to its intersection with Abbott Road; then, northwesterly along said road to its intersection with Corey Road; then, southwesterly along said road to its intersection with River Road; then, southeasterly along said road to its intersection with Parker Road; then, southwesterly along said road to its intersection with an Imaginary Line at the end of said road; then, westerly along said line to its intersection with an Unnamed Creek at 36.575197 latitude and -121.608865 longitude; then, southerly along said creek to its intersection with an Unnamed Creek at 36.56368 latitude and -121.61178 longitude; then, southwesterly along said creek to its intersection with an Imaginary Line at the end of said

creek; then, southwesterly along said line to its intersection with Corral del Cielo Road at 36.541413 latitude and -121.629902 longitude; then, northwesterly along said road to its intersection with Corral de Tierra Road; then, westerly along Corral de Tierra Road to its intersection with an Imaginary Line at 36.66665 latitude and -121.54192 longitude; then, southwesterly along said line to its intersection with John Steinbeck Trail at the beginning of said trail; then, westerly along said trail to its intersection with Corral de Tierra Road; then, northwesterly along said road to its intersection with Robley Road; then, northwesterly along said road to its intersection with Laureles Grade; then, northwesterly along said grade to its intersection with Monterey Salinas Highway; then, westerly along said highway to its intersection with B Road; then, northerly along B Road to its intersection with an Imaginary Line at 36.57806 latitude and -121.76108 longitude; then, northwesterly along said line to its intersection with S Boundary Road at 36.58701 latitude and -121.76852 longitude; then, northwesterly along an Imaginary Line to its intersection with S Boundary Road at 36.60792 latitude and -121.77886 longitude; then, northerly along an Imaginary Line to its intersection with Eucalyptus Road at 36.62545 latitude and -121.78128 longitude; then, northwesterly along said road to its intersection with Parker Flats Cut-Off Road; then, northerly along said road to its intersection with Gigling Road; then, easterly along said road to its intersection with 8th Avenue; then, northerly along said avenue to its intersection with Inter-Garrison Road; then, easterly along said road to its intersection with Abrams Drive; then, northerly along said drive to its intersection with Imjin Parkway; then, northeasterly along said parkway to its intersection with Reservation Road; then, southeasterly along said road to its intersection with W. Blanco Road; then, northeasterly along said road to its intersection with Cooper Road; then, northerly along said road to its intersection with McFadden Road; then, easterly along said road to the point of the beginning.

....

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.
Reference: Sections 401.5, 407, 5301, 5302, 5321 and 5322, Food and Agricultural Code.